

## TITLE 326 AIR POLLUTION CONTROL DIVISION

### Rule Information Sheet

Clark, Floyd, Lake, and Porter County Ozone Redesignation and Emissions Reporting Updates  
LSA Document #23-XXX(E)

#### Overview

This emergency rule makes four changes regarding the attainment status for the National Ambient Air Quality Standards (NAAQS) for ozone for four counties in Indiana. First, this emergency rule temporarily amends 326 IAC 1-4-11 and 326 IAC 1-4-23 to change the status of Clark and Floyd counties from “marginal nonattainment” to “attainment” for the 2015 8-hour NAAQS for ozone. Second, this emergency rule temporarily amends 326 IAC 1-4-46 and 326 IAC 1-4-65 to change the status of Lake and Porter counties from “serious nonattainment” to “attainment” for the 2008 8-hour NAAQS for ozone. Third, this emergency rule temporarily amends 326 IAC 1-4-46 and 326 IAC 1-4-65 to change the status for certain townships in Lake and Porter counties from “marginal nonattainment” to “moderate nonattainment” for the 2015 8-hour NAAQS for ozone. This rule is in response to three final rules by the United States Environmental Protection Agency (U.S. EPA) that published in the *Federal Register* on May 20, 2022, at 87 FR 30821, July 5, 2022, at 87 FR 39750, and October 7, 2022, at 87 FR 60897. Finally, this rule also changes the applicability section found at 326 IAC 2-6-1. This section lists sources that must adhere to emissions reporting requirements. The changes being made include the removal of Clark and Floyd counties and the southern townships of Lake and Porter counties from this section.

This rule is nearly identical to an emergency rule passed by the Environmental Rules Board on November 9, 2022, with one exception. The emergency rule passed in November included an error regarding the effective date of “moderate nonattainment” designation for the northern townships of Lake and Porter counties. The emergency rule passed in November says that this designation is effective on October 7, 2022. It should say that the designation is effective on November 7, 2022. Because this emergency rule was not effective until December 15, 2022, this error had no impact on permitting. Nevertheless, to maintain consistency with the *Federal Register*, the proper date is included in this emergency rule.

#### Affected Persons

This rulemaking affects regulated sources in Clark, Floyd, Lake, and Porter counties that have control measures in place for ozone precursor emissions, such as volatile organic compounds and oxides of nitrogen.

#### Reasons for the Rule

This emergency rule is in response to final rules published by the U.S. EPA in the *Federal Register* on May 20, 2022, July 5, 2022, and October 7, 2022. These rules changed the status of Clark and Floyd counties from “marginal nonattainment” to “attainment” for the 2015 8-hour NAAQS for ozone, changed the status of Lake and Porter counties from “serious nonattainment”

to “attainment” for the 2008 8-hour ozone NAAQS for ozone, and changed the status for certain townships in Lake and Porter counties from “marginal nonattainment” to “moderate nonattainment” for the 2015 8-hour NAAQS for ozone.

### **Economic Impact of the Rule**

This emergency rule will ease permitting conditions for affected sources in Clark and Floyd counties, as well as the southern townships of Lake and Porter counties. IDEM will issue major permits to sources in these areas under Prevention of Significant Deterioration (PSD) pursuant to 326 IAC 2-2 rather than under Emission Offset pursuant 326 IAC 2-3. PSD permitting is less restrictive than the Emission Offset permitting requirements. The northern townships of Lake and Porter counties will continue to be permitted under Emission Offset pursuant 326 IAC 2-3.

### **Scheduled Board Action and Hearings\***

Board Action: March 8, 2023, at 1:30 PM at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

\*In accordance with IC 4-22-2-37.1, no public hearing is required prior to the adoption of an emergency rule. However, it is the practice of the Environmental Rules Board to allow someone to comment on a proposed emergency rule if the person submits an appearance card prior to the board adopting the emergency rule.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from Seth Engdahl, Rules Development Branch, Office of Legal Counsel, at (317) 234-9535, (800) 451-6027 (in Indiana), or [sengdahl@idem.in.gov](mailto:sengdahl@idem.in.gov).